

CHAPTER NO. 1014

HOUSE BILL NO. 4032

By Representative McMillan

Substituted for: Senate Bill No. 3900

By Senators Kyle, Haynes

AN ACT to amend Tennessee Code Annotated, Title 9, Title 29, Chapter 20, Part 4, and Title 50, Chapter 6, relative to the second injury fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-208, is amended by adding the following new subsection thereto:

(i) The terms 'party' or 'parties', as referenced in §50-6-204(d)(5), shall include the second injury fund.

SECTION 2. Tennessee Code Annotated, Section 50-6-238(d)(1), is amended by deleting the first sentence of such subdivision in its entirety and by substituting instead the following:

In addition to any other penalty provided by law, if an insurer, self-insured employer, uninsured employer, or self-insured pool fails to comply with an order issued by a specialist within fifteen (15) calendar days of receipt of the order, the commissioner of labor and workforce development may assess a penalty in the amount of ten thousand dollars (\$10,000).

SECTION 3. Tennessee Code Annotated, Section 50-6-201, is amended by adding the following new subsection thereto:

(c) Within thirty (30) calendar days of the notice of injury, the insurer, employer, or self-insured pool or trust shall file with the department, on a form prescribed by the department, a wage statement detailing the employee's wages for the previous fifty-two (52) weeks, unless the employer stipulates that the maximum weekly workers' compensation rate applies in the particular matter. In the event the insurer, employer, or self-insured pool or trust knowingly and intentionally fails to timely file the wage statement, a workers' compensation specialist may deem the employee's compensation rate to be the maximum workers' compensation rate effective on the date of injury. This subsection shall apply only to accidents that result in death or personal injury of such a nature that the injured person either does not return to such person's employment within seven (7) days after the occurrence of such accident or has a permanent impairment resulting from such accident. If the employer, insurer or self-insured pool fails to file the wage

statement within thirty (30) days and the maximum rate is imposed, then the employer, insurer or self-insured pool may file a wage statement at a later time. If the late filed wage statement reflects that the compensation rate is less than the maximum compensation rate, the employer, insurer or self-insured pool may then reduce the compensation rate.

SECTION 4. Tennessee Code Annotated, Section 50-6-234(d), is amended in the first sentence by deleting the language "the parties agree to waive the holding of a benefit review conference;".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 25, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2006


PHIL BREDESEN, GOVERNOR